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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,449	11/05/2001	Keith Homer Baker	7836XD	3699

27752 7590 12/09/2003

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CINCINNATI, OH 45224

EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 12/09/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

0015

<b>Office Action Summary</b>	Application No. 10/007,449	Applicant(s) BAKER ET AL.	
	Examiner Elena Tsoy	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 10, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 76-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 86,90 and 108 is/are allowed.
- 6) ☒ Claim(s) 76-85,87-89 and 91-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on October 10, 2003 has been entered.

***Response to Amendment***

2. Amendment filed on October 10, 2003 has been entered. New claims 87-108 have been added. Claims 76-108 are pending in the application.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 76-85, 87-89, 91-107 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 76, lines 5-8, the phrase "wherein at least one of the treating compositions is formulated so that any damage as a result of washing the one or more shoes with or in aqueous medium with application of the at least one the treating composition is reduced as compared to washing the one or more shoes with or in aqueous medium without application of the at least one the treating composition" renders the claim indefinite because it is not clear from the phrase that the claim 76 is directed to the allowable embodiment wherein the treating composition, which reduces damage from washing, is the conditioning treating composition as described in

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specification as filed (See specification, page 4, lines 3-10; page 55, lines 20-25). For examining purposes the phrase was interpreted as "wherein the conditioning treating compositions is formulated so that any damage as a result of washing the one or more shoes with or in aqueous medium with application of the conditioning treating composition is reduced as compared to washing the one or more shoes with or in aqueous medium without application of the conditioning treating composition".

Claim 89, lines 2-3, a phrase "the containment bag contain one or more treating compositions; or the one or more treating compositions are in both the containment bag(s) and the wash solution" renders the claim indefinite because it is not clear from the phrase that the claim 89 is directed to the allowable embodiment wherein either one or both the containment bag(s) and the wash solution contain the cleaning treating composition. For examining purposes the phrase was interpreted as "the containment bag contain the cleaning treating composition; or the cleaning treating composition is in both the containment bag(s) and the wash solution".

***Allowable Subject Matter***

5. **Claims 86, 90, 108** are allowed.

The following is an examiner's statement of reasons for allowance: Claim 86 is allowed because the prior art of the record does not teach or suggest a method for washing one or more shoes comprising, prior to washing with or in an aqueous medium, adding a conditioning treating composition to the inside of the one or more shoes and applying a cleaning treating composition to the outside of the one or more shoes or to a wash solution, so that any damage as a result of washing the one or more shoes is reduced as compared to washing without application of the

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conditioning composition. Closest prior art of Christiansen teaches the use of conditioner together with a cleaning composition for washing articles of fibrous material for reducing damage (US 4,157,388, column 1, lines 38-57; column 3, lines 21+).

Claims 90 and 108 are allowed as further limiting allowed claim 86.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on Mo-Thur. 9:00-7:30, Mo-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*ETsoy*

Elena Tsoy  
Examiner  
Art Unit 1762

December 8, 2003